

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
and	)	
	)	
STATE OF OHIO	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THE BOARD OF COUNTY	)	Civil Action Nos. C-1-02-107 and 108
COMMISSIONERS, HAMILTON	)	
COUNTY, OHIO,	)	Judge S. Arthur Spiegel
	)	
and	)	
	)	
THE CITY OF CINCINNATI, OHIO,	)	NOTICE OF LODGING OF
	)	FINAL CONSENT DECREE
Defendants.	)	
_____	)	

Consistent with the requirements of 28 C.F.R. § 50.7, a proposed Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan (“proposed Consent Decree”), is being lodged with the Court in this Civil Action, after having been concurred to and signed by plaintiffs and defendants in this matter. The proposed Consent Decree is identical to the one previously submitted to this Court on October 7, 2003, except for four minor changes as follows:

- In response to a comment made by Albert Slap, attorney for Sierra Club, to Leslie Allen, attorney for the United States, the parties have added a definition for Ten-Year Storm that is identical to that included in the Interim Partial Consent Decree lodged with this Court on February 15, 2002 (“IPCD”). See § V, p.17.
- The parties corrected a non-substantive error in the name of the WIB Customer Service Program. See ¶ XIII.B.2, p. 76.

- The parties corrected a non-substantive error and made consistent the syntax and sentence structure in the subparagraphs concerning payment of stipulated penalties in the event of a dispute. See ¶¶ XXI.K.1-3, pp. 79-80.
- The parties corrected an error in the compass directions describing the location of the Eastern and Delta Sewer Separation Project, Phase 3. See Exhibit 1, p.5.

Notice of the proposed Consent Decree will be published in the Federal Register, along with a re-noticing of the Interim Partial Consent Decree (“IPCD”), which was lodged with this Court on February 15, 2002, notice of which was previously published in the Federal Register at 67 Fed. Reg. 9320-21 (Feb. 28, 2002). Consistent with this Court’s Order, dated September 4, 2003, the public comment period will be concluded no later than February 6, 2004. During the pendency of the Federal Register Notice comment period, no action is required of the Court.

The Federal Register Notice will invite comments on both the draft Consent Decree and the IPCD, because the two decrees, taken together, comprise the parties’ comprehensive proposed resolution of the claims asserted in the United States’ and State’s SSO complaints filed in this matter on February 15, 2002, and the claims concerning SSOs, CSOs, and wastewater treatment plants asserted by the United States, State, and ORSANCO in the Joint Amended Complaint that is being filed today, concurrently with the lodging of the proposed Consent Decree.

After the Federal Register Notice is published, the time period for comments has run, and the comments, if any, have been evaluated, the United States will advise the Court as to any action which may be required by the Court at that time. Assuming that the public comments received on the proposed Consent Decree and the IPCD (including those that were received on the IPCD during its initial public comment period and that are not rendered moot by the final proposed Consent Decree) do not disclose facts that indicate that the proposed Consent Decree

and the IPCD are inappropriate, improper, or inadequate, the United States anticipates that it would file one Motion for Entry, requesting entry of both the Interim Partial Consent Decree on Sanitary Sewer Overflows and the Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan.

Respectfully submitted,

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